



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

EXECUTIVE OFFICE

February 13, 2024

**Via ECF**

The Honorable Mae A. D'Agostino  
United States District Court for the Northern District of New York  
James T. Foley United States Courthouse  
445 Broadway  
Albany, New York 12207

Re: *New York State Rifle & Pistol Association, Inc., et al. v. Chiumento*, No. 22-cv-907

Dear Judge D'Agostino,

This office represents Steven G. James, in his official capacity as Acting Superintendent of the New York State Police. I write to request that Superintendent James be substituted as a defendant for his predecessor, Dominick L. Chiumento, pursuant to Federal Rule of Civil Procedure 25(d).

Superintendent Chiumento, the current defendant in this action, stepped into the role of Acting Superintendent on October 6, 2023. On January 31, 2024, Governor Hochul formally nominated Steven G. James as Superintendent and appointed him to the position on an acting basis while his nomination is pending before the Senate. Because Superintendent Chiumento is sued only in his official capacity, *see* Amended Complaint, ECF No. 8 at 1, the substitution takes place “automatically.” Fed. R. Civ. P. 25(d); *see Williams v. Annucci*, 895 F.3d 180, 187 (2d Cir. 2018). I therefore write to request that the case caption be amended to reflect Superintendent James stepping into the role.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M Thomas-Jensen", with a long, sweeping horizontal line extending to the right.

Molly Thomas-Jensen  
Special Counsel  
NDNY Bar Roll No. 75119  
28 Liberty Street  
New York, NY 10005  
212-416-8679  
[Molly.Thomas-Jensen@ag.ny.gov](mailto:Molly.Thomas-Jensen@ag.ny.gov)

Cc: All counsel of record (Via ECF)